PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
42390P9017

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Signature

Typed or printed name Gayle Bekish

Application No.	Filed
09/752,369	December 29, 2000

First Named Inventor: Patrick F. Doyle

Art Unit	Examiner
2154	Chankong, Dohm

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
NOTE: No more than five (5) pages may be provided.

I am the:

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under of 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ Attorney or agent of record.
Registration Number 39,865

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

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December 09, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

☐ *Total of _____ forms are submitted.

Based on PTO/SB/33 (07-05) as modified by BSTZ (008/22/05 - WLR)
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Our Docket No: 42390P9017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Doyle, et al.	)	Examiner: Chankong, Dohm
	)	
Application No: 09/752,369	)	Art Unit: 2152
	)	
Filed: December 29, 2000	)	
	)	
For: Enhanced Configuration of InfiniBnd Links	)	
	)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

In response to the Final Office Action mailed August 9, 2005, the Applicant respectfully presents a pre-appeal brief request for review.

FIRST CLASS CERTIFICATE OF MAILING

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12-9-2005
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Gayle Bekish
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Gayle
Signature

12-9-2005
Date

REASONS FOR REQUEST FOR REVIEW

Applicant respectfully requests review of this application. Claims 1-26 are pending, and all claims are currently rejected.

The Examiner has rejected **claims 1-6, 8-22, and 24-26** under 35 U.S.C. 102 (b) as being anticipated by **U.S Patent 6,735,660 of Osten, et al. ("Osten")**. It is the contention of the Applicant that Osten does not contain the elements of "requesting an InfiniBand connectivity configuration" and "receiving a response regarding whether the requested configuration can be provided". Related provisions are contained in independent claims 8, 12, 16, and 24. It is thus submitted that a prima facie case of rejection has not been made.

The Examiner disagrees with Applicant's position. In response to arguments presented, the Examiner has cited to certain provisions of Osten. It is respectfully submitted that the cited portions of Osten do not contain the elements of the claims and do not refute the arguments presented.

Among the provisions cited is column 8, line 35 through column 9, line 8, which includes four paragraphs of Osten. The first of the paragraphs indicates that "whenever a slot is empty or no IOA has been initialized in the slot, the SES processor controls the tri-state logic to set all sideband signal pairs to a high impedance state. Once a sideband-capable IOA is inserted in a slot, a presence detect signal will both immediately tri-state the sideband signal paths on the IOA through control of tri-state logic block 54 (FIG. 2), and notify the SES processor that an IOA has been inserted in the slot and is ready to be initialized." (Osten, col. 8, lines 35-46) This paragraph indicates that, when a side-band capable IOA (input/output adapter) is inserted into a backplane slot, a presence detect signal will tri-state the sideband signal paths on the IOA and notify the processor that the IOA is inserted in the slot and is ready. This does not provide a request or response regarding a configuration.

The second paragraph indicates that "[u]pon detection of the assertion of a presence signal, routine 70 begins in block 72 by reading the VPD information from the IOA over the 12C bus to determine what the capabilities of the IOA are. ... An innumerable number of sideband capabilities, definitions and formats may be defined by the VPD consistent with the invention." (Osten, col. 8, lines 47-58) In this paragraph, Osten describes the process that is followed after an IOA is detected. Specifically, the VPD (vital product data) information is read to determine the capabilities of the IOA. The paragraph also indicates what may be indicated by the VPD, including what link is required and that a number of other signal paths are allocated for sideband communications. Thus, this paragraph shows that the system described in Osten operates in a different fashion than the relevant elements of the claims. The process that is described in Osten is one in which an IOA is being examined to determine its capabilities. There is no indication that a device makes a request for a connectivity configuration or that a response is made – there is no communication back and forth between the devices.

The third paragraph indicates that "the SES processor checks the relative capabilities and the compatibility between the IOA and the host apparatus, including the slot connector capabilities and/or other capabilities of the host apparatus. Doing so ensures that the computer and slot are fitted with the hardware and software necessary to properly operate the type of IOA installed in the slot."(Osten, col. 8, lines 59-65) This paragraph then follows with a description of the processor checking the relative capabilities between the IOA and the host apparatus. As indicated in Osten, this is done to ensure that the computer and the slot have the hardware and software necessary to operate the type of IOA. Again, there is no suggestion of a request/response operation. Instead, Osten is describing a process for determining whether the system can handle the IOA.

The fourth paragraph provides that "[i]f the check in block 74 fails, control passes to block 76 to signal an error, typically in any of a number of manners known in the art. Otherwise, if the

check passes, block 74 passes control to block 78 to set up any initial configuration for the slot and the corresponding IOA through the 12C bus to prepare for sideband communications. ..." (Osten, col. 8, lines 66 through col. 9, line 8) This paragraph then describes the result of the check. If the check passes, the process continues with initial configuration. If the check fails, then the result is "an error, typically in any of a number of manners known in the art." Osten is describing a process for success or failure of the check, which is not relevant to the elements of the claims.

In response to the most recent response, the Examiner has further cited to Osten column 7, lines 49-53, the Examiner indicating that such provision provides "an alternative embodiment where the adapter provides an identifier to the host, the host utilizing the identifier to request configuration information from (for example) a database, and applying the received configuration to the adapter." However, it is submitted that the cited portion does not actually describe a request and response as provided in the claims. This provision of Osten describes some of the information that may be stored in the VPD, indicating that "IOA 26 also includes vital product data (VPD) defined in a VPD block 60, which provides, in addition to conventional VPD information, sideband configuration information that defines the sideband capabilities of the IOA." The cited portion also describes possible elements of the sideband configuration information, and indicates that in an alternative a make or model identifier for the IOA could be provided as sideband configuration information so that a host system could access a database to obtain relevant configuration information for the particular type of IOA. (Osten, col. 7, lines 43-57) The IOA is not described as making any type of request, but rather indicates that capability data stored is stored in a VPD block (such as element 60 shown in Figure 2) of the IOA. The Examiner refers to the database access, indicating that the claims may be anticipated by a request to the database. It is submitted that the suggestion of the use of a database does not describe "requesting an InfiniBand connectivity configuration" and "receiving a response regarding whether the requested configuration can be provided". All Osten

describes in this possible embodiment is that the IOA might provide a make or model identifier, and then a database might be used to look up further information.

It is further noted that, even if the Examiner's argument regarding the database reference were correct, such an argument clearly would not apply to, for example, claims 5, 9, 12, and 16, which identify the sender and recipient of the request. Such claims could not be anticipated by the database reference in Osten.

Thus, Osten does not teach or suggest a process or apparatus that provides for a request for a configuration and a response to the configuration request. Osten describes a one-way process in which a host reads static configuration information and acts upon the information, *not* a two-way communication in which a request is made and a response is received.

For at least the above reasons, Osten does not anticipate the provisions of independent claims 1, 8, 12, 16, or 24, with the remaining rejected claims being dependent claims allowable as being dependent on the allowable base claims. The Examiner has further rejected **claims 7 and 23** under 35 U.S.C. 103 (a) as being unpatentable over Osten in view of **U.S Patent 6,732,249 of Pickreign, et al. ("Pickreign")**. It is submitted that Pickreign (regarding mapping a host computer address space into a network interface adapter address space) does not contain the elements missing from Osten, and that such claims are allowable as being dependent on the allowable base claim.

Respectfully submitted,

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Date: 12/9/05

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